

16cv4015 DWF/BRT

**United States District Courthouse
District of Minnesota**

Plaintiff

V.

Trinidad Jesus Garcia

Defendant (s)

MEND Medical Services, Gwen Blossom, Michelle Skroch
Aramark Food Services
Sherburne County Jail, Jail Administrator
U.S. Marshall's Service

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NOV 29 2016
CLERK, US DISTRICT COURT
MINNEAPOLIS, MN

Demand For Jury Trial

YES ☒ NO ☐

COMPLAINT

Parties:

Plaintiff

Trinidad Jesus Garcia

Defendant (s)

MEND Medical Services, Gwen Blossom and Michelle Skroch
Aramark Food Services
Sherburne County Jail, Jail Administrator
U.S. Marshall's Service

Plaintiff

Trinidad Jesus Garcia resides, or is a Sovereign American resident,
in the state and district of Minnesota.

Defendant (s)

MEND and it's Providers, Employees, Aramark, SCJ, U.S.M. are employed in the territorial
jurisdiction,
in the state and district of Minnesota.

Defendant (s) did commit an injury in the territorial
jurisdiction, in the state and district of Minnesota

Plaintiff

Trinidad Jesus Garcia gives witnessed affidavit herein,
demonstrating harm or injury.

SCANNED

NOV 29 2016

U.S. DISTRICT COURT MPLS

STATEMENT OF THE CLAIM

I the above mentioned plaintiff, bring this claim against **Defendant (s)**, for the following facts:

1. From at least as early as September, 2015, in the state and district of Minnesota, the defendant,

MEND Medical Services, Aramark Food Services, Sherburne County Jail, and U.S. Marshall's Service did unlawfully, knowingly, and intentionally commit Eighth and Fourteenth Amendment violations against plaintiff.

2. With respect to the defendant(s) MEND Medical Services, Aramark Food Services, Sherburne County Jail, and U.S. Marshall's Service, did unlawfully, knowingly, and intentionally serve the defendant cold meals at breakfast, lunch and dinner for more than a one year period and in abuse of their official power of authority, and is on going.

3. With respect to the defendant (s) MEND Medical Services, Aramark Food Services, Sherburne County Jail, and U.S. Marshall's Service, did unlawfully, knowingly, and intentionally ignore, minimize, delay, and deny as seen in plaintiff's medical file any and most of plaintiff's medical needs including, having plaintiff walk about a quarter mile to the clinic on an injured ankle after falling from the upper bunk due to no ladder present and no railing or guard available to prevent falling out of bed at night despite plaintiff's request for a wheel chair and clear serious injury, and plaintiff suffers from constant swelling in his left knee, ankle and both wrist which has been and is ongoing for a period of over five months with no solution given as to the possible problem. Also the denial of dentures even though all of his teeth have been pulled here when one was pulled one next to it would need to be pulled because it was cracked or broken when the previous one was pulled and now to be denied dentures and have to suffer through trying to chew food that is not soft and being forced to eat potatoes that are not fully cooked is almost impossible and relates to previous issue.

4. With respect to the defendant(s) MEND Medical Services, Aramark Food Services, Sherburne County Jail, and U.S. Marshall's Service, did unlawfully, knowingly, and intentionally ignored, minimized, and justified the clear low quality, and cold food, and medical issues by not addressing filed complaints and grievances sometimes not even responding to the grievance and medical staff minimizing my issues or even guessing on what it is or is not without medical tests and just hoping the problem will go away on it's own.

5. Violations of PREA The Prison Rape Elimination Act in that announcements were not made when a female would come into the unit. This clearly is a facility and the unit that I am in houses State as well as Federal offenders and the policy as seen in office Memorandum from December 23, 2013 From John R. King, Assistant Commissioner, Minnesota Department of Corrections states as follows:

- When an opposite gender staff enters a living unit that they are assigned to for that entire shift, they will make an announcement only the first time they enter the unit. The announcement will be something like "Female on deck" or "Female in the unit when a female staff enters a male living unit is sufficient. Similarly when male staff enters a female living unit.

- If staff are not assigned to a specific Living Unit for the entire shift; for example medical/behavioral health staff, utility staff who are providing relief, supervisors and administrators, they will be announcing themselves every time they enter a living unit of the opposite sex.

- This does not apply to emergency situations.

This is almost never done and is a violation of PREA

6. In regards to a specific incident that occurred on November, 25th, 2016 at approximately 9:05 P.M. in unit Delta South I fell and hit my head, injured my neck, my right arm, my left shoulder, my left lower back and my left hip.

This was due to negligence and failure to repair shower number D3S3 right by my room D316 where water comes out of the shower and pools up near my door.

I am in pain due to this fall and may very well have ongoing serious pain and medical issues in the future due to the fall.

I am asking the court to grant all of the request for relief in this matter otherwise people will continue to receive injuries due to the lack of a safe environment.

REQUEST FOR RELIEF

I hereby request the court to order the Defendant(s) to fulfill the following:

1. That another medical provider be hired in the place of MEND, that Gwen Blossom and Michelle Skroch be relieved of their positions at this facility.
2. That another food service be hired in the place of ARAMARK.
3. That other trays similar to the breakfast trays be provided for lunch and dinner with lids in order to keep the food warm or possibly hot rather than cold and carts that are similar to ones other county jails provide that keep the food warm.
4. That the beds be brought up to standard where there is a ladder with a backing plate on the ladder such as the Dakota County Jail has, which prevents any suicidal thoughts that may be an issue.
5. That the beds have a rail or guard installed to prevent anyone from falling out of the top bunk.
6. That the showers be repaired and given no slip paper be installed on the inside and outside floor and that the showers be given guards to prevent water from coming out onto the floor and creating dangerous situations.
7. That the PREA Conditions be honored.
8. That I be given full medical treatment for my ankle and ongoing knee injury which occurred while at the Sherburne County Jail.
9. That I be given dentures due to the dentist here being a pull only dentist, my teeth probably could have been saved or repaired but that is not their policy here, they only pull, not repair or fill teeth, so I should be allowed to have dentures put in at the cost of the plaintiffs.
10. That I be given compensation and/or punitive damages for my pain and suffering in the amount of \$20,000 up to \$100,000 Dollars.

Signed this 26th day of November 2016

Witness _____

Signature of Plaintiff Tamias Garcia

Witness _____